

**REMARKS**

Applicants respectfully request further examination and reconsideration in view of the above amendments and arguments set forth fully below. Claims 19-27, 29, 31, 48, 50-54 and 56-67 were previously pending in the instant application. Within the Office Action, Claims 19-27, 29, 31, 48, 50-53, 57-63 and 66 have been rejected and Claims 54, 56, 64 and 65 have been objected to. By way of the above amendments, Claims 19, 26, 27, 29, 31, 48 and 65 have been amended, Claims 64 and 67 have been canceled and new Claims 68 and 69 have been added. Accordingly, Claims 19-27, 29, 31, 48, 50-54, 56-63, 65, 66, 68 and 69 are now pending in this application.

**Rejections Under 35 U.S.C. § 103(a)**

Within the Office Action, Claims 19-27, 29, 31, 48, 50-53, 57-63 and 66 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,454,763 to Motter et al. (hereafter "Motter") in view of U.S. Patent No. 5,738,677 to Colvard et al. (hereafter "Colvard"). The rejections of Claims 19-27, 29, 31, 48, 50-53, 57-63 and 66 as being unpatentable over Motter in view of Colvard are considered moot in view of the above amendments.

Within the Office Action, Claims 54, 56, 64 and 65 have been objected to as depending upon a rejected base claim, but are otherwise allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Specifically, it is stated within the Office Action that the prior art fails to teach either a shrouded endo-probe with a side-firing delivery optical fiber or a shrouded endo-probe with a delivery optical fiber that is extendable from a shroud feature.

By way of the above amendment, the independent Claim 19 has been amended to recite both the features of a shroud or shielding structure, and a side-firing delivery optical fiber. The independent Claim 48 has been amended to recite both the features of a shroud and extendable delivery optical fiber.

Specifically, the independent Claim 19 is directed to a laser system comprising a laser source for generating laser light comprising laser bursts comprising laser pulses and a laser applicator for delivering a portion of the laser light to a target vascular tissue area. The laser applicator comprises a trunk optical fiber, an endo-probe coupled to the trunk optical fiber including a side-firing delivery optical fiber with an input end for receiving laser radiation from the trunk optical fiber and a shielding structure coupled to the endo-probe including a housing

portion that surrounds a section of the delivery optical fiber and a beam blocking portion to block forward propagation of the laser. As described above and recognized within the Office Action, neither Motter, Colvard nor their combination teach a laser delivery system with a laser applicator that includes a shielding structure and a side-firing delivery optical fiber. For at least these reasons, the independent Claim 19 is allowable over the teachings of Motter, Colvard and their combination.

Claims 20-27, 29 and 31 are all dependent on the independent Claim 19. As described above, the independent Claim 19 is allowable over the teachings of Motter, Colvard and their combination. Accordingly, Claims 20-27, 29 and 31 are all also allowable as being dependent on an allowable base claim.

The independent Claim 48 is directed to a laser system. The laser system of Claim 48 comprises means to generate bursts of laser light comprising laser pulses, means to focus the laser light into a trunk optical fiber, a flexible endo-probe coupled to the trunk optical fiber, the endo-probe comprising a delivery optical fiber with an input end for receiving laser radiation from the trunk optical fiber and a firing end, the flexible endo-probe further comprising a shroud feature that surrounds a portion of the delivery optical fiber and a beam blocking structure to block forward propagation of laser light and to form a gap with the shroud feature and means to adjust an approach of the delivery optical fiber to the target area of vascular tissue during use, wherein the means to adjust the approach of the delivery optical fiber comprises a mechanism to slidably extend the delivery optical fiber from the endo-probe. Claim 48 has been amended to include the limitations from the objected to Claim 64. As described above and recognized within the Office Action, neither Motter, Colvard nor their combination teach a laser delivery system with a laser applicator that includes a shroud and an extendable delivery optical fiber. For at least these reasons, the independent Claim 48 is allowable over the teaching of Motter, Colvard and their combination.

Claims 64 and 67 have been canceled. Claims 50-53, 57-63 and 66 are all dependent on the independent Claim 48. As described above, the independent Claim 48 is allowable over the teachings of Motter, Colvard and their combination. Accordingly, Claims 50-53, 57-63 and 66 are all also allowable as being dependent on an allowable base claim.

The new independent Claim 68 recites a laser system comprising a laser source to generate bursts of laser light comprising laser pulses, a trunk optical fiber coupled to the laser source to receive the laser pulses, an endo-probe coupled to the trunk optical fiber, the endo-probe comprising a side-firing delivery optical fiber and a shroud feature that surrounds a portion

of the delivery optical fiber and has a beam blocking structure to block forward propagation of laser light and an adjusting mechanism to adjust an approach of the side-firing delivery optical fiber during use. As described above and recognized within the Office Action, none of the prior art teaches or suggests a laser system with an endo-probe that includes a side-firing delivery optical fiber and a shroud feature. For at least these reasons, the new independent Claim 68 is allowable over the prior art.

Claim 69 is dependent on the independent Claim 68. As described above, the independent Claim 68 is allowable. Accordingly, Claim 69 is also allowable as being dependent on an allowable base claim.

For the reasons given above, the Applicants respectfully submit that Claims 19-27, 29, 31, 48, 50-54, 56-63, 65, 66, 68 and 69 are now all in condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss them so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
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**CERTIFICATE OF MAILING (37 CFR § 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

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